

BARNES & THURNBURG

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FEB 17 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

11 South Meridian Street  
Indianapolis, Indiana 46204  
(317) 236-1313

Attorney  
Docket: 7175-74147

Applicants: VanBrunt, Nicholas P., et al

Invention: METHOD AND APPARATUS FOR  
INDUCING SPUTUM SAMPLES FOR  
DIAGNOSTIC EVALUATION

Patent  
App. No: 10/083,966

Filed: February 25, 2002

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REVOCATION AND APPOINTMENT OF POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Patrick de Maynadier, Secretary of Advanced Respiratory, Inc., the assignee of the above patent application, hereby revoke all prior powers of attorney in this case and hereby appoint as principal attorneys William R. Coffey, Reg. No. 24023; Arland T. Stein, Reg. No. 25062; Richard D. Conard, Reg. No. 27321; Dilip A. Kulkarni, Reg. No. 27510; Richard A. Rezek, Reg. No. 30796; Paul B. Hunt, Reg. No. 37154; Jeffrey A. Michael, Reg. No. 37394; Bradford G. Addison, Reg. No. 41486; Shawn D. Bauer, Reg. No. 41603; Jill T. Powlick, Reg. No. 42088; Ronald S. Henderson, Reg. No. 43669; James R. Sweeney II, Reg. No. 45670; Christopher E. Haigh, Reg. No. 46377; Kevin D. Bailey, Reg. No. 46531; Rebecca Ball, Reg. No. 46535; Carli E. Stewart, Reg. No. 51058; Helen Geib, Reg. No. 50924; Kevin L. McLaren, Reg. No. 48351; Perry Palan, Reg. No. 26213;

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No. 22190; Peter J. Shakula, Reg. No. 40808; Mark A. Hagedorn, Reg. No. 44731; and Mark  
J. Nahnson, Reg. No. 51093, our attorneys with full power of substitution and revocation, to  
transact all business in the Patent and Trademark Office connected therewith, and I specify  
that all communications regarding the above patent be directed to the following address for  
purposes of correspondence and fees:

Ronald S. Henderson  
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Respectfully submitted,

Advanced Respiratory, Inc.

1-28-04  
Date

  
Patrick de Maynadier  
Secretary

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### STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: ADVANCED RESPIRATORY, INC.

Application No./Patent No.: 10/083,966 Filed/Issue Date: 25 February 2002

Entitled: METHOD AND APPARATUS FOR INDUCING SPUTUM SAMPLES FOR A DIAGNOSTIC EVALUATION

ADVANCED RESPIRATORY, INC., a CORPORATION  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or

2.  an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Inventors To: American Biosystems, Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 10218, Frame 642-646, or for which a copy thereof is attached.
2. From: American Biosystems, Inc. To: Advanced Respiratory, Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 12813, Frame 277-279, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
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Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

February 13, 2004 (13.02.04)

Ronald S. Henderson, Esq.

Date

Typed or printed name

317.231.7341

Ronald S. Henderson

Telephone number

Signature

Attorney

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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